

**SIGAR**Office of the Special Inspector General
for Afghanistan Reconstruction

LESSONS LEARNED RECORD OF INTERVIEW

Project Title and Code:
LL-03 – U.S. Perception and Responses to Corruption in Afghanistan
Interview Title:
Interview with (b)(3), (b)(6), (b)(7)(C)
Interview Code:
LL-03 [REDACTED]
Date/Time:
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Location:
Washington, DC
Purpose:
To learn about DOJ support for judicial reform and anticorruption-related activities in Afghanistan
Interviewees: (Either list interviewees below, attach sign-in sheet to this document or hyperlink to a file)
SIGAR Attendees:
Kate Bateman (Research Analyst)
Non-attribution Basis: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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Key Topics:
<ul style="list-style-type: none">• US military and the corruption issue in earlier years• 2009/2010 period and DOJ programs• CN focus• 2009 and onward

Limits, given classification

The classification of material on these issues makes any conversations very difficult, in terms of DOJ involvement.

US military and the corruption issue in earlier years

From 2003 to 2006, there was a disconnect with the military; they weren't understanding these issues. Into 2007 to 2009, the military accepted the marriage of drugs and the insurgency.

2009/10 and DOJ programs



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The Anti-Corruption Unit (ACU) was originally designed to be trained investigators, prosecutors, and judges. They would be vetted, meaning polygraphing. After Salehi, Karzai said polygraphing is against Afghan law.

There was a debate over predatory versus high-level corruption. SRAP put an emphasis on the former.

From the military perspective, anticorruption became part of COIN, which was being led by the military.

People were saying, "everyone knows who is corrupt and who is not; we need to decide whom we're going to do anything about, or not."

State was pursuing the BSA. State was certainly the lead on rule of law.

DOJ had capacity-building programs. At its height, DEA had 97 positions, of which all but 13 were funded by State. We had DOJ lawyers there, always in Kabul. DOJ personnel were always under Chief of Mission authority (never under military).

If the focus was on predatory corruption, it would all be State. JSSP was in the provinces.

CRC (the Civilian Response Corps) went to the IPIT (Interagency Planning and Implementation Team) and IROL (Rule of Law). They weren't really designed for jumping into programs that are already 8 years old.

The most DOJ lawyers we ever had there was 14, in early 2011. We were plucking them from their districts.

At DOJ, the relevant sections are OPDAT and ICITAP, which both receive their funding for Afghanistan through State. Both are part of the Criminal Division, both part of DOJ overseas.

Same thing was developing in Iraq. In 2007 Crocker asked DOJ to take over ROL. From 2007-2011 DOJ was in charge in Iraq; State was not happy. Iraq and Afghanistan were different; we had roughly 200 people in Iraq.

CN focus

(b)(3), (b)(6), (b)(7)(C)

Around

summer of 2008, two federal prosecutors were sent to Afghanistan to help craft their CN laws. In 2008/2009, six lawyers were in Kabul to work on the CN Task Force. This led to the first conversations on anticorruption.

The CNJC [Counternarcotics Justice Center] was such a success story at the time: we had 1) vetted prosecutors; 2) salary top-ups; and 3) international mentors. We had significant hands-on presence.

2009 and onward

The ATFC was also spoken of as a success story.

There was a huge volume of money going into Afghanistan, at the same time that we're talking about doing more on anticorruption!

4 or 5 Afghans were brought to trial. One was Khan Mohammad – talk to (b)(3), (b)(6), (b)(7)(C) On these cases, SIGAR was working with DOJ.

See "Rule of Law Handbook: A Practical Guide for JA's" by the Center for Law and Military Operations.

Ambassador Kaidanow's tenure: There was a focus on the draw down, Benghazi, more attention to security, closing PRTs. Kaidanow's approach was, what can we really do and how many people do we need to do this? The question was, if we push Karzai on this, he'll be so pissed off.

Current DOJ presence

DOJ is about to reduce to three people in Kabul. But their movements are often cancelled, etc.